

**MATTHEW J. WERNER**

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COUNSEL

July 1, 2008

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**SENSITIVE**

Office of General Counsel  
Federal Election Commission  
999 E Street, N W  
Washington, D C 20463

**MUR # 6038**

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Re Verified Complaint and Request to Reopen MUR 5774

To Whom it May Concern

Please accept this letter as a verified complaint and request to reopen a prior investigation, MUR 5774, based on new information contained in the affidavit of Alan Farina dated June 24, 2008. Mr Farina's affidavit is the only enclosure with this letter. Mr Farina's testimony contradicts the denials provided by Mr Lamborn and his campaign staff as well as the denials of a host of other persons who conspired to coordinate with Mr Lamborn and, apparently, cover up the coordination. This complaint is against the following persons:

Doug Lamborn,  
Jonathan "John" Hotaling,  
Mark Hotaling,  
Chuck Gonnell,  
Kathleen A. Rockerfeller,  
Thomas Bjorklund,  
Christopher K. Baker,  
Lamborn for Congress,  
Tactical Data Solutions, Inc., a Colorado corporation,  
Blue Point, LLC, an Arizona limited liability company,  
Liberty Service Corporation, a Colorado corporation,  
Christian Coalition of Colorado, a Colorado non profit corporation and a 501(c)(4) entity,  
Club for Growth State Action, a Virginia corporation and a 501(c)(4) entity

Please recall the facts summarized in the *First General Counsel's Report* dated November 17, 2006.

Doug Lamborn was a candidate in the open Republican Primary in Colorado's 5th Congressional District, held on August 8, 2006, and won the nomination with 27 percent of the vote. The complaint alleges that Lamborn's authorized committee obtained the names and addresses of absentee voters from

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the El Paso County Clerk and Recorder and provided them to [Club for Growth State Action ("CFGSA")] and Christian Coalition [of Colorado], and that these organizations used the addresses to send mailers attacking two of Lamborn's primary opponents, Jeff Crank and Lionel Rivera, on July 11, 13, 15, and 18, 2006. The complaint relies on a series of inferences to conclude that CFGSA and Christian Coalition received the addresses from the Lamborn Committee.

- Two recipients, Juhe Jutton and Gary Bohall, received the mailers at their respective business addresses, but neither was registered to vote under those addresses. Instead, both Jutton and Bohall requested absentee ballots using their business addresses and, as a result, only the El Paso County Clerk and Recorder had access to those addresses.
- Only five entities, including the Lamborn Committee, requested absentee ballot information from the El Paso County Clerk and Recorder, and none of these entities other than the Lamborn Committee shared or were likely to have shared the information with CFGSA or Christian Coalition.
- The Lamborn Committee and Christian Coalition are closely connected because the Executive Director of Christian Coalition, Mark Hotaling, and the campaign manager for the Lamborn Committee, John Hotaling, are brothers.

**See Compl. at 2-3**

This complaint incorporates the prior allegations made in the complaint in MUR 5774 by reference.

Mr. Farina's affidavit describes how Mr. Lamborn's campaign, CFGSA and the Christian Coalition purposefully coordinated the use of the absentee ballot voter list obtained from the El Paso County Clerk & Recorder to send the mailings complained of in the original complaint. Mr. Lamborn's campaign did indeed provide the voter lists to Tactical Data Solutions, Inc. ("TDS") and then coordinated the use of those lists with CFGSA and the Christian Coalition of Colorado through Blue Point, LLC, Liberty Service Corporation, Mr. Bjorklund, Mr. Carter, Jonathan Hotaling and Mark Hotaling. You will find that the records at the Colorado Secretary of State show Jonathan Hotaling as the registered agent for Liberty Service Corporation, the "Liberty Media" referenced in Mr. Farina's affidavit. Mr. Farina's affidavit states the following:

- TDS was operated by Tom Bjorkland. The company had four board members: Tom Bjorkland, Shari Bjorkland, Tory Bjorkland, and Jonathan Hotaling. Farina affidavit, ¶3.
- TDS received absentee ballot voter data for the 5<sup>th</sup> Congressional District from only two sources: Jonathan Hotaling and the county clerks and recorders. Farina affidavit, ¶6.

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- TDS sold the absentee ballot data to Jonathan Hotaling's company, Liberty Service Corporation Farina affidavit, ¶7
- Tom Bjorklund admitted that Jonathan Hotaling referred Blue Point, LLC to TDS Farina affidavit, ¶11
- To Bjorklund told Mr Farina not to tell anyone that Jonathan Hotaling had referred Blue Point, LLC to TDS Farina affidavit, ¶11
- TDS supplied Blue Point, LLC the same data that it provided to Mr Lamborn's campaign, Jonathan Hotaling, and Liberty Service Corporation Farina affidavit, ¶12
- Jonathan Hotaling and/or Liberty Service Corporation provided TDS' data to Mr Lamborn's campaign Farina affidavit, ¶8
- TDS sold the 5<sup>th</sup> Congressional District absentee ballot voter data to Mark Hotaling, who operated the Christian Coalition of Colorado The Christian Coalition planned to send mail pieces to primary voters in the 5<sup>th</sup> Congressional District The Christian Coalition wanted to use the same data as that used by Mr Lamborn's campaign, Jonathan Hotaling, and Liberty Service Corporation Farina affidavit, ¶15
- Mark Hotaling told Mr Farina that he wanted the same data the Mr Lamborn's campaign had used Farina affidavit, ¶16
- Jonathan Hotaling instructed Thomas Bjorklund to provide the 5<sup>th</sup> Congressional District absentee ballot voter data to Mark Hotaling and the Christian Coalition of Colorado Farina affidavit, ¶18
- Mark Hotaling is the brother of Jonathan Hotaling Farina affidavit, ¶15
- After learning of the complaint filed with the FEC in MUR 5774, Jonathan Hotaling asked Tom Bjorklund to change the file names on TDS' computers in order to conceal exactly to whom TDS had provided data Farina affidavit, ¶19

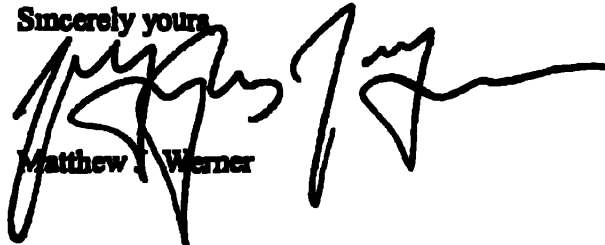
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The most sinister aspect of these allegations is that it appears that once the original complaint was filed, Mr Lamborn's campaign personnel and various others conspired to cover up the facts and avoid further scrutiny from the FEC These are very serious violations of campaign finance law and perjury statutes I hope the FEC will investigate these allegations more completely this time

Sincerely yours

  
Matthew J. Werner

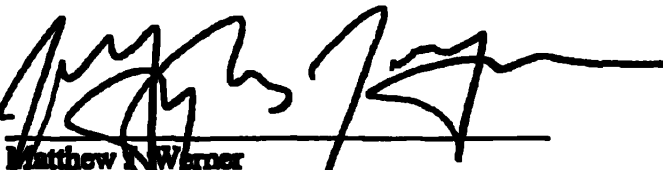
Enclosure

STATE OF COLORADO

COUNTY OF EL PASO

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The foregoing complaint is true to the best of my knowledge, information and belief

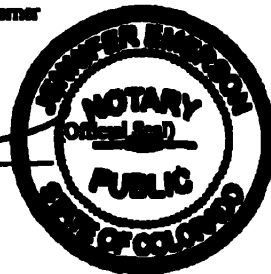
  
Matthew J. Werner

SUBSCRIBED AND SWORN before me under penalty of perjury on this 5th day of July, 2008, by Matthew J. Werner

Witness my hand and official seal My commission expires 5/5/2011



Notary Public  
14 North Santa Madre Street, Suite A  
Colorado Springs, Colorado 80903



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